

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action dated March 21, 2006 (hereinafter Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In the Office Action, each of the claims were rejected on the basis of new grounds of rejection. Claims 1-18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,732,176 to Stewart, *et al.* (hereinafter Stewart), in view of U.S. Published Patent Application No. 2003/0096633 to Goldberg (hereinafter Goldberg). Claims 1, 5, 9, and 13 were also rejected under 35 U.S.C. § 112, first paragraph. Claims 1, 9, and 13 were also rejected under 35 U.S.C. § 112, second paragraph.

Applicants have amended independent Claims 1, 5, 9, and 13 to emphasize certain aspects of the invention. The amendments further overcome each of the rejections under 35 U.S.C. § 112. More particularly, the amendments make explicit that there is but one set of Application Service Provider services recited in the claims, but that at least a portion of the set of services may reside at more than one system or network-connected computer. The amendments are fully supported throughout the Specification. (See, e.g., p. 12, lines 4-15; p. 13, lines 12-20; and p. 14, lines 7-18.) No new matter has been introduced through any of the amendments presented.

### ***The Claims Define Over The Prior Art***

As already noted, independent Claims 1, 5, 9, and 13 were each rejected as being unpatentable over Stewart in view of Goldberg. Stewart is directed to a distributed network communications system. With Stewart's system, portable computing devices (PCDs) store "identification information" that "uniquely" identifies a particular network provider from among a plurality of different network providers, and that also can indicate

access or privilege levels of provider's subscriber. (See, e.g., Col. 6, lines 15-28; see also Abstract, lines 4-8.)

At page 6 of the Office Action, it is stated that Stewart teaches the receiving by a PCD of a list of Available Service Provider services. In one of the portions cited in the Office Action, Stewart provides:

The PCD 110 preferably includes a memory medium which stores identification information indicating a network provider to which the user has subscribed. The indicated network provider may be one of a plurality of possible network providers that provide Internet access or other network services in a network system such as that shown in FIG. 1. The identification information may be a System ID (an 802.11 System ID), a MAC ID of a wireless Ethernet device comprised in the PCD 110, the name of the network provider, or other type of information that uniquely identifies one (or more) network providers. The identification information may be contained in a digital certificate, which may be stored in a web browser or other location of the personal computing device 110." (Col. 6, lines 15-28.) (Emphasis Supplied.)

The quoted language demonstrates at least two fundamental differences between Stewart and Applicants' invention. Firstly, Stewart does not provide a distinct list of services of any kind to a wireless device, as recited in independent Claims 1, 5, 9, and 13. Rather, Stewart provides identification information, which as the language unmistakably reveals, identifies a network service *provider*.

In another cited portion, Stewart explicitly defines the term "service provider:"

"One or more service providers 140 may also be coupled to the network 130 or other networks to which the network 130 is coupled, such as the Internet 170. As used herein, the term "service provider" is intended to include various types of service and information providers which may be connected to the network 130."

This language, however, only serves to emphasize that Stewart's identification information identifies service providers, but not specific services. The identity of a particular network service provider indicates nothing about which *services* are available. Different services may be provided by the same provider or by different providers, but conversely, some desirable service may not be provided at all by any the listed network providers. Knowledge about the identities of different providers tells a user of the wireless device nothing about which different services are available.

Secondly, Stewart does not provide either the identities of service providers or a list of services available via a wireless connection. Instead, as the quoted language clearly demonstrates, the identification information of Stewart is "stored" in a "memory medium." Stewart gives no suggestion as to transmitting the information via a wireless connection, as further recited in independent Claims 1, 5, 9, and 13, as amended.

In the portions of reference cited in the Office Action as describing the wireless distribution of information, Stewart provides:

"[A] user operating a portable computing device (PCD) 110 may communicate with one of the access points 120 to gain access to network services, such as Internet access. The portable computing device (PCD) 110 may have a wireless communication device, e.g., a wireless Ethernet card, for communicating with a wireless access point 120. The portable computing device (PCD) 110 may instead have a wired communication

device, e.g., an Ethernet card, for communicating with a wired access point 120." (Col. 5, line 63 – Col. 6, line 4.)

This quoted language from Stewart describes the *accessing* of a network service via an access point. It does not teach or suggest, however, the conveyance of a list of available Application Service Provider services that is conveyed over a wireless communication to a wireless device, as recited in amended independent Claims 1, 5, 9, and 13. As explicitly recited in each of the amended independent claims, the wireless conveyance to a wireless device of, and the subsequent selection of a service from, a list of available Application Service Provider services are each distinct from the receiving of the selected service. Stewart neither teaches nor suggests these distinct steps. Stewart's accessing of a network service is not equivalent to either the receipt of a list of available service or the selection of a particular one of the services.

With Stewart, as the above-quoted language demonstrates, a user that accesses a network service knows only the identity of the service provider, which is based on a *stored* identity identification. The user receives no list of available services from which to select. Either the user already knows the particular service provided by a service provider accessed through an access point, or the user must learn which particular service is available through some other mechanism.

Accordingly, Stewart fails to teach or suggest every feature recited in amended independent Claims 1, 5, 9, and 13. Although Goldberg is additionally relied on in the Office Action, Goldberg provides none of the features lacking in Stewart. Applicants respectfully assert, therefore, that amended independent Claim 1, 5, 9, and 13 each define over the prior art. Applicants further respectfully assert that whereas the dependent claims each depend from one of the amended independent claims while reciting additional features, all of the dependent claims likewise define over the prior art.

Goldberg is cited at page at 5 of the Office Action as teaching the selection of and interaction with "different software programs." Goldberg, however, does not teach or suggest that different software programs that are received through a wireless conveyance from an Application Service Provider to a wireless device are, more particularly, configured to be executed by the wireless device. Rather, Goldberg describes a user's selecting wireless *services* by scrolling through a display screen using a cursor control feature. (See, e.g., paragraph [0014] and [0015].) By selecting a menu item in Goldberg, a user is able to access a service such as instant messaging or Web browsing. Nowhere, however, does Goldberg suggest the wireless conveyance of application programs configured to be executed by the wireless device, as recited in independent Claim 5, as amended, and newly-presented independent Claims 19 and 20.

Moreover, because neither of the references teaches or suggests wirelessly conveying a list of Application Service Provider services to a wireless device it follows that the references further fail to teach or suggest the particular features recited in dependent Claims 14 and 15. For example, neither reference teaches or suggests that the list of Application Service Provider services is transmitted to the wireless device in response to a wirelessly received query from the device, as explicitly recited in dependent Claim 14. Likewise, neither reference teaches or suggests that the list of Application Service Provider services is provided in response to detecting the presence of the wireless device within a local area network (LAN), as expressly recited in dependent Claim 15.


### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

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Respectfully submitted,

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